

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America

CASE NUMBER:

v.

CRIMINAL COMPLAINT

19-5322mJ

I, the undersigned complainant, state under oath that the following is true and correct to the best of my knowledge and belief:

COUNT 1

On or about August 5, 2019, in the District of Arizona, on the Salt River Indian Reservation, Indian Country, the defendant, SYMIN SAMPSON, an Indian, did intentionally and knowingly assault the victim, E.M., with a dangerous weapon, that is, a firearm, with the intent to do bodily harm. In violation of Title 18, United States Code, Sections 113(a)(3) and 1153.

COUNT 2

On or about August 5, 2019, in the District of Arizona, on the Salt River Indian Reservation, Indian Country, the defendant, SYMIN SAMPSON, did knowingly use, carry, brandish and discharge a firearm during and in relation to a crime of violence and did knowingly possess and discharge a firearm in furtherance of a crime of violence, that is, Assault with a Dangerous Weapon as alleged in Count 1, a felony crime prosecutable in a Court of the United States. In violation of Title 18, United States Code, Section 924(c).

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts: **SEE ATTACHED AFFIDAVIT.**

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

REVIEWED BY: *KG* s/AUSA Kyra Goddard for AUSA Robert I. Brooks

X Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct.

Officer Brian Hermes, TFO, FBI
Complainant's Name and Title

[Signature]
Complainant's Signature

8/12/19
Date

Aug. 12, 2019
Date/Time

Phoenix, Arizona
City and State

Honorable Deborah M. Fine, U.S. Magistrate Judge
Name & Title of Judicial Office

[Signature]
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Brian K Hermes, being duly sworn, depose and state as follows:

INTRODUCTION

1. The facts of this case, as more fully detailed herein, are that on August 5, 2019, at approximately 12:00 p.m., SYMIN SAMPSON, an Indian, committed the crimes of Aggravated Assault with a Dangerous Weapon in violation of Title 18 U.S.C. Section 113(a)(3) and Possession/Use of a Firearm in a Crime of Violence in violation of Title 18 U.S.C. Section 924(c), when he shot E.M., an Indian, multiple times with a handgun. This crime happened on the Salt River Indian Reservation.

PRELIMINARY BACKGROUND INFORMATION

2. I am a certified peace officer employed with the Mesa Police Department (MPD) since January of 2002. I have been assigned as a Detective with the Mesa Police Gang Unit since January of 2008. In 2016, I joined the FBI Safe Trails Task Force (STTF). My duties on the gang unit include investigating gang related crimes that occur within the City of Mesa and State of Arizona. I have received training at the MPD Academy and have attended numerous investigative schools and trainings over my career, specifically geared to the investigation of violent crime, gang crimes, and pro-active policing.

3. In my current assignment as a task force officer (TFO) with the FBI STTF, I primarily investigate gang related violent crimes that occur on the Indian Reservations and in communities in the Phoenix area. I am deputized with Title 18 authority by the United States Marshal Service and am sponsored by the FBI STTF. I am authorized to investigate violations of the laws of the United States, collect evidence in cases in which the United States is or may be a party of interest, and execute warrants issued under the authority of the United States.

4. In the course of my official duties, I am charged with the investigation of crimes occurring on Salt River Indian Community, within the District of Arizona. Based on your affiant's training and experience, I know that the Salt River Indian Community is a federally recognized Indian tribe. In this regard, the following information was developed

1 by me and/or provided to me by other law enforcement officers, and other persons, in
2 connection with the FBI investigation. The information contained in this affidavit is from
3 my personal knowledge, as well as from information provided to your affiant by other law
4 enforcement officers and/or witnesses including those listed herein. Due to the fact that this
5 affidavit is being made to establish probable cause, your affiant has not listed each and every
6 fact known regarding the investigation of this incident.

7 **PERTINENT FEDERAL CRIMINAL STATUTES**

8 6. This investigation concerns alleged violations of Aggravated Assault with a
9 Dangerous Weapon in violation of Title 18 U.S.C. Section 113(a)(3) and Possession/Use of
10 a Firearm in a Crime of Violence in violation of Title 18 U.S.C. Section 924(c).

11 7. Jurisdiction for these crimes is based on Title 18 U.S.C. Section 1153 and is
12 present in this case because the crime happened on the Salt River Indian Reservation and
13 both the victim, E.M., and the suspect, SYMIN SAMPSON are enrolled members of the Salt
14 River Pima-Maricopa Indian Community.

15 **DETAILS OF THE INVESTIGATION**

16 8. On August 5, 2019, at approximately 12:05 p.m., the reporting party, D.M.,
17 called 911 to report an emergency to the Salt River Police Department. D.M. reported that
18 her son, E.M., was shot by SYMIN SAMPSON at 2104 North Extension, Scottsdale, AZ.
19 E.M. and SYMIN SAMPSON both live on the property at that address, but reside in different
20 residential structures.

21 9. 2104 N Extension, Scottsdale, AZ, is a residential property that encompasses
22 two separate residential structures. The main structure of the property is approximately three
23 thousand square feet and is occupied by SYMIN SAMPSON. The second residential
24 structure is just south of the main structure and is approximately fifteen hundred square feet;
25 the smaller structure is occupied by E.M.

26 10. Salt River Patrol Officers arrived at 2104 North Extension at approximately
27 12:15 p.m. on August 5, 2019. The officers observed live ammunition, blood spatter, and a
28 spent shell casing on the property grounds.

1 11. At approximately 12:20 p.m., Salt River Police Officer Aguirre reported E.M.
2 was at the Scottsdale Osborne Hospital being treated for two gunshot wounds. E.M. was
3 struck twice, once in the left chest area and once in the right elbow. Hospital staff decided
4 to leave the projectiles inside of E.M. pending follow up.

5 12. At approximately 3:00 p.m., your affiant arrived at the Scottsdale Osborne
6 Hospital to interview E.M. E.M. stated that earlier that day, he was in his driveway working
7 on his truck when SYMIN SAMPSON walked over carrying a black handgun with an
8 extended magazine in it. SAMPSON was playing with the gun, loading and unloading it
9 while dropping ammunition on the ground. SAMPSON asked E.M. if he would go into
10 E.M.'s house with him; at this point, E.M. said he feared for his safety and declined to go
11 with SAMPSON.

12 13. After his interaction with SAMPSON, E.M. crawled underneath his truck,
13 which was parked in the driveway next to his front door, to continue working on the truck.
14 While underneath his truck, he heard a gunshot and felt something strike him. E.M. looked
15 towards the sound of the gunshot and saw SAMPSON sitting on the couch inside E.M.'s
16 house pointing the handgun at E.M. Fearing for his safety, E.M. got up and ran away.
17 SAMPSON chased after E.M. and shot at him again, striking him a second time.

18 14. E.M. ran to a church south of his house and called his family for help.
19 Eventually, D.O., E.M.'s sister, arrived on scene and picked him up. At first E.M. was too
20 scared to go to the hospital and had D.O. take him to her house. While at D.O.'s house, E.M.
21 feared that his wounds were life threatening and called his ex-girlfriend and mother of his
22 children, S.M.S., to come pick him up and take him to the hospital. S.M.S. transported E.M.
23 to the Scottsdale Osborne Hospital. While on their way to the hospital, E.M. told S.M.S. that
24 SAMPSON shot him.

25 15. At the hospital, I also interviewed S.M.S. S.M.S. confirmed that while they
26 were driving to the hospital, E.M. told her SAMPSON shot him. After dropping E.M. off at
27 the hospital, S.M.S. went back to 2104 North Extension to confront SAMPSON. At the
28 residence, S.M.S. knocked on SAMPSON's door and asked him why he shot E.M.

1 SAMPSON responded "he's lucky I didn't get him in the chest." SAMPSON then exited the
2 house and got into a taxi to leave the area. S.M.S. also told me that E.M.'s friends, D.S. and
3 D.R., may have been present during the shooting.

4 16. Salt River Police Officer Medinaku #308 authored and obtained a Salt River
5 tribal warrant for premises 2104 N Extension. During the execution of the search warrant,
6 several items of evidence were located.

7 17. In the driveway just east of E.M.'s house, blood was located on the ground
8 along with a spent shell casing and one live round of ammunition. In the driveway, bullet
9 fragments were located underneath the truck where E.M. was working. A single bullet hole
10 was also located in the passenger side front bumper of E.M.'s truck. A single live round of
11 ammunition was found inside E.M.'s residence, where SAMPSON was observed shooting at
12 E.M.

13 18. Inside the main structure of SAMPSON's house, in a room known to be
14 SAMPSON's, law enforcement found ammunition similar to the ammunition found near
15 E.M.'s residence. A pill bottle and notebook paper with SAMPSON's name on it were also
16 located and seized in the same room. Inside the pill bottle was an unknown crystal like
17 substance.

18 19. On August 7, 2019, D.R. and D.S. were located at 1035 West Elena, Mesa,
19 AZ. When interviewed, D.R. stated that he was at E.M.'s house on the day E.M. was shot
20 but said he was in the bathroom with his girlfriend, D.S. While inside the bathroom, they
21 heard arguing and the sound of someone playing with a handgun. Moments later, they heard
22 a gun shot from inside house. Fearing for their safety, they stayed quiet and hid in the
23 bathroom. They subsequently heard a second gunshot.

24 20. D.S. was also interviewed on August 7, 2019 and stated that she was at E.M.'s
25 house the day of the shooting. She said was in the bathroom with D.R. when she heard E.M.
26 talking to another person. She heard a gunshot and believed it was fired from inside the
27 house. D.S. and D.R. hid in the bathroom. After about fifteen minutes, D.S. received a phone
28 call from ^{BH} E.M. stating they needed to leave the house and that SAMPSON shot him. When

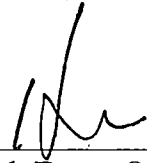
1 D.S. and D.R. exited the bathroom, they did not see E.M. or SAMPSON at the house. D.S.
2 told law enforcement she had seen SAMPSON a week prior with what she described as a
3 small black handgun.

4 21. On August 10, 2019, SYMIN SAMPSON was located at 1307 East Main St,
5 Mesa, AZ. During a post Miranda interview, SAMPSON requested to speak with an
6 attorney. No further questions were asked.

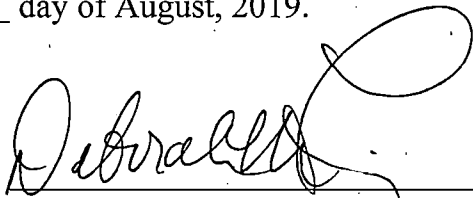
7 **CONCLUSION**

8 Based on the foregoing, I believe that there is probable cause the defendant
9 committed the crimes of Aggravated Assault with a Dangerous Weapon in violation of Title
10 18 U.S.C. Section 113a3 and Possession/Use of a Firearm in a Crime of Violence in violation
11 of Title 18 U.S.C. Section 924(c),

12 I declare under penalty of perjury under the laws of the United States of America that
13 the foregoing is true and correct.

14  8/12/19
15 _____
16 Task Force Officer Brian Hermes
17 Federal Bureau of Investigation

18
19 Subscribed and sworn to this 12th day of August, 2019.

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22 _____
23 HONORABLE DEBORAH M. FINE
24 United States Magistrate Judge
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